

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ASHER BRONSTIN, individually and
on behalf of all other similarly situated,

Plaintiff,

v.

VIASAT, INC.,

Defendant.

Civil Action No. 1:25-cv-00927-KMN
(Hon. Keli M. Neary)

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendant Viasat Inc. (“Viasat”) hereby respectfully moves to dismiss the putative class action Complaint (*see* Dkt. 1) filed by Plaintiff Asher Bronston (“Plaintiff”) in this matter in its entirety pursuant to Fed. R. Civ. P. 12(b)(1) and/or (6).

As grounds for this Motion, and as discussed in detail in the accompanying supporting Brief, Plaintiff lacks Article III standing to bring a claim against Viasat, and otherwise fails to state a claim for relief against Viasat or to plead sufficient plausible facts supporting one in accordance with federal pleading standards and applicable law, under the Telephone Consumer Protection Act (“TCPA”). This is because, *inter alia*, (1) extrinsic evidence shows Plaintiff did not suffer an “injury in fact” that is “fairly traceable” to Viasat’s conduct, (2) Plaintiff fails to plausibly allege a theory of liability under the TCPA against Viasat, and (3) Plaintiff fails to plead sufficient facts supporting essential elements of his asserted TCPA claims. The

specific legal and factual bases for this Motion are set forth in the accompanying Brief, which is incorporated herein by reference as if fully stated, any materials and other evidence submitted in support (including the attached declaration), and any other briefs, materials and argument provided to the Court prior to its ruling thereon.

WHEREFORE, for these reasons, the entire Complaint should be dismissed.

Dated: July 17, 2025

Respectfully submitted,

/s/ Frederick P. Santarelli
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Counsel for Defendant Viasat, Inc.

LOCAL RULE 7.1 CERTIFICATE

The undersigned hereby certifies that Defense counsel conferred with Plaintiff's counsel on the foregoing Motion on July 15, 2025, and Plaintiff's counsel indicated in writing that Plaintiff does not concur with the relief sought herein.

Dated: July 17, 2025

/s/ Frederick P. Santarelli

FREDERICK P. SANTARELLI

Counsel for Defendant Viasat, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I am causing the foregoing to be filed electronically with the Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document upon all counsel of record.

Dated: July 17, 2025

/s/ Frederick P. Santarelli
FREDERICK P. SANTARELLI

Counsel for Defendant Viasat, Inc.